

Court of Appeals, State of Michigan

ORDER

Scott Rice v State Farm Mutual Automobile Insurance Company

Docket No. 296446

LC No. 08-000858-NF

Elizabeth L. Gleicher
Presiding Judge

E. Thomas Fitzgerald

Deborah A. Servitto
Judges

The Court orders that the STAY issued on February 12, 2010 is LIFTED.

The application for leave to appeal is DENIED for failure to persuade the Court of the need for immediate appellate review. The trial court did not abuse its discretion in striking defendant's expert witness. *Carmack v Macomb County Community College*, 199 Mich App 544, 546; 502 NW2d 746 (1993). Neither party timely named expert witnesses in compliance with the court's scheduling order, and, though plaintiff agreed to waive his objection to defendant's late-named expert, defendant refused to waive its objection to plaintiff's expert. In light of this, we find that the trial court's solution of striking defendant's expert, as well as plaintiff's expert, did not fall outside the range of reasonable and principled outcomes. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 24 2010

Date

Sandra Schultz Mengel
Chief Clerk